

# SENATE BILL No. 71

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7-36-14; IC 3-8; IC 3-9-1-12; IC 3-10; IC 3-11; IC 3-11.5-4-22; IC 3-12-10-4; IC 3-13-11-16; IC 3-14; IC 6-1.1-19-4.5.

**Synopsis:** Various election law matters. Makes several changes in election law concerning: (1) the definition of "chute"; (2) municipal election expenses; (3) the eligibility of individuals to serve as precinct election officers, members of absentee voter boards, absentee ballot counters, and couriers; (4) training of precinct election officers; (5) the rights of watchers; (6) voter registration; (7) the nomination of candidates; (8) political party devices; (9) the withdrawal of candidates; (10) disbanding of political committees; (11) holding municipal elections; (12) the location of precinct polls; (13) persons permitted to be in the polls; (14) jurisdiction of the state recount commission; (15) criminal statutes relating to distribution of slates and electioneering; and (16) school corporation referendum levies. (The introduced version of this bill was prepared by the census data advisory committee.)

**Effective:** Upon passage; July 1, 2004.

**Landske**

December 2, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 71

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-2-10, AS AMENDED BY P.L.69-2003,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 10. "Chute" means the area or pathway that  
4       extends fifty (50) feet in length, measured from the ~~position where the~~  
5       ~~poll worker closest to the door or~~ entrance to the polls. ~~is stationed by~~  
6       ~~the inspector~~. If the property line of the polling place is less than fifty  
7       (50) feet from the door or entrance to the polling place, the chute is  
8       measured from the exterior door or entrance to the polling place to  
9       one-half (1/2) the distance to the property line of the polling place  
10       **nearest to the entrance to the polls**. Whenever there are two (2) or  
11       more doors or entrances to the polls, the inspector of the precinct shall  
12       designate one (1) door or entrance as the door for voters to enter for the  
13       purpose of voting.

14       SECTION 2. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS  
15       [EFFECTIVE JULY 1, 2004]: Sec. 7. All expenses for a municipal  
16       primary election or municipal election that is conducted by a county  
17       election board shall be allowed by the county executive and shall be

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1 paid out of the general fund of the county, without any appropriation  
 2 being required. The county auditor shall certify the amount of that  
 3 allowance to the fiscal officer of the municipality **not later than thirty**  
 4 **(30) days after the municipal primary or municipal election.** The  
 5 fiscal body of the municipality shall make the necessary appropriation  
 6 to reimburse the county for the expense of the primary election or  
 7 election **not later than December 31 of the year in which the**  
 8 **municipal election is conducted.**

9 SECTION 3. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a) Except as provided in**  
 11 **subsection (b),** during the period that begins ninety (90) days before  
 12 a municipal primary election and continues until the day after the  
 13 following municipal election, all expenses of the primary election and  
 14 election that cannot be chargeable directly to any municipality shall be  
 15 apportioned as follows:

16 (1) One-fourth (1/4) to the county.

17 (2) Three-fourths (3/4) to the municipalities in the county holding  
 18 the municipal primary election and municipal election.

19 **(b) The apportionment made under subsection (a) does not**  
 20 **apply to a town that has entered into an agreement with the county**  
 21 **under IC 3-10-7-4 to pay the county a fixed amount for the**  
 22 **expenses described in subsection (a).**

23 SECTION 4. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2004]: Sec. 9. **(a) Except as provided in**  
 25 **subsection (b),** whenever more than one (1) municipality in a county  
 26 conducts a municipal primary election and municipal election, the  
 27 three-fourths (3/4) of expenses that cannot be chargeable directly to  
 28 any particular municipality under section 8 of this chapter shall be  
 29 apportioned to each municipality in the same ratio that the number of  
 30 voters who cast a ballot in the municipality at the municipal election  
 31 bears to the total number of voters who cast a ballot in all of the  
 32 municipalities in the county at that municipal election.

33 **(b) The apportionment made under subsection (a) does not**  
 34 **apply to a town that has entered into an agreement with the county**  
 35 **under IC 3-10-7-4 to pay the county a fixed amount for the**  
 36 **expenses described in subsection (a).**

37 SECTION 5. IC 3-5-3-10 IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2004]: Sec. 10. The county election board shall,  
 39 on a form prescribed by the state board of accounts, under  
 40 **IC 3-6-4.1-14,** itemize all the expenses of any election for which a  
 41 municipality is required to reimburse the county.

42 SECTION 6. IC 3-6-6-7, AS AMENDED BY P.L.199-2001,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An otherwise qualified person is eligible to serve as a precinct election officer unless any of the following apply:

(1) The person is unable to read, write, and speak the English language.

(2) The person has any property bet or wagered on the result of the election.

(3) The person is a candidate to be voted for at the election **in the precinct**, except as an unopposed candidate for a precinct committeeman or state convention delegate.

(4) The person is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person from serving as a precinct election officer if the candidate to whom the person is related is an unopposed candidate. **For purposes of this subdivision, an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party.**

**(5) The person did not attend training required by section 40 of this chapter.**

(b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.

SECTION 7. IC 3-6-6-40, AS ADDED BY P.L.66-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. ~~(a) This section applies after December 31, 2003.~~

~~(b)~~ **(a)** The county election board shall conduct a training and educational meeting for precinct election officers.

~~(c)~~ **(b)** The board shall require inspectors and judges to attend the meeting and may require other precinct election officers to attend the meeting.

~~(d)~~ **(c)** The meeting required under this section must include information:

(1) relating to making polling places and voting systems accessible to elderly voters and disabled voters; and

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(2) relating to the voting systems used in the county.  
 The meeting may include other information relating to the duties of precinct election officers as determined by the county election board.

~~(c)~~ (d) The meeting required by this section must be held not later than the day before election day.

(e) If an individual:

(1) is appointed as a precinct election officer after the training and educational meeting conducted under this section; or

(2) demonstrates to the county election board that the individual was unable to attend the meeting due to good cause;

the county election board may authorize the individual to serve as a precinct election officer after the individual completes emergency training. The emergency training must include the information required under subsection (c) and be conducted in accordance with requirements established by the board.

SECTION 8. IC 3-6-9-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, voting machines, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes, the reading of the totals from the voting machines, and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-2.5-4, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate, if the watcher is appointed under section 1(a)(1) of this chapter; or

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(B) the names of all candidates at a school board election and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(2) of this chapter.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

(9) Call upon the election sheriffs to make arrests.

SECTION 9. IC 3-6-10-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, voting machines, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes, the reading of the totals from the voting machines, and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-2.5-4, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board providing the names of all candidates and the number of votes cast for each candidate and the votes cast for or against a public question.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

SECTION 10. IC 3-7-36-14, AS ADDED BY P.L.126-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

- (1) Showing either of the following to the ~~circuit court clerk~~ **county voter registration office**:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

- (2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

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(e) If the county has a board of registration, **the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk shall promptly mail or deliver the voter's registration affidavit to the board of registration: permit the voter to vote under subsection (c).**

(f) If the voter chooses not to vote under subsection (c), the ~~clerk or~~ **board county voter registration office** shall register the voter on the first day of the next registration period.

SECTION 11. IC 3-8-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each candidate nominated by petition under section 2 of this chapter must be seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision.

(b) **For purposes of subsection (a), candidates seeking a fiscal or legislative body seat elected only by the voters of a district within a county or municipality and candidates seeking an office to be voted on by all the voters of the county or municipality are considered to be seeking offices that serve the same political subdivision.**

(c) An independent candidate may not include the name of any other candidate on the petition **or request to be placed on the ballot as associated with any other candidate**, except for the other candidate included on ~~a~~ **an independent** ticket for President and Vice President of the United States or governor and lieutenant governor.

SECTION 12. IC 3-8-6-5, AS AMENDED BY P.L.202-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A petition of nomination must state all of the following:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The office that each candidate seeks.

(4) The information required under IC 3-10-4-5, if the petition nominates candidates for presidential electors.

(5) That the petitioners desire and are registered and qualified to vote for each candidate.

**(6) Whether the candidate is affiliated with the same political party as any other candidate or group of candidates that has**

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1 **filed or will be filing a petition of nomination with the county**  
 2 **voter registration office under section 10 of this chapter. This**  
 3 **subdivision:**

4 **(A) applies after December 31, 2004; and**

5 **(B) does not apply to an independent candidate.**

6 (b) A petition of nomination ~~may~~ **must:**

7 (1) designate a brief name of the political party that the candidates  
 8 represent; ~~or~~

9 (2) indicate that the candidate is an independent candidate; ~~or~~  
 10 ~~together with a simple figure or device by which its lists of~~  
 11 ~~candidates may be designated on the ballot.~~

12 **(3) indicate that the candidates are an independent ticket.**

13 **(c) If a political party has previously filed a device with the**  
 14 **election division under IC 3-8-7-11, the petition may incorporate**  
 15 **that device by reference in the petition. If a political party has not**  
 16 **previously filed a device under IC 3-8-7-11, or the petition is for an**  
 17 **independent ticket, the petition of nomination may include a device**  
 18 **for designating the party or ticket on the ballot.**

19 SECTION 13. IC 3-8-6-5.5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) This  
 21 section applies to a petition of nomination which states that a candidate  
 22 is affiliated with a political party.

23 (b) If a candidate claims affiliation with a political party:

24 (1) described by IC 3-8-4-1;

25 (2) of a candidate who has previously filed a petition of  
 26 nomination under ~~IC 3-8-6~~; **this chapter**; or

27 (3) whose name would result in voter confusion due to its  
 28 similarity with the name of a political party described in  
 29 subdivision (1) or (2);

30 a registered voter of the election district may question the validity of  
 31 the filing in accordance with IC 3-8-1-2.

32 **(c) If the voter affirms under subsection (b) that:**

33 **(1) the candidate is not the nominee of the political party**  
 34 **described in subsection(b)(1);**

35 **(2) the candidate is not affiliated with the political party**  
 36 **described in subsection(b)(2); or**

37 **(3) the name of the political party set forth in the petition**  
 38 **would cause voter confusion under subsection (b)(3);**

39 the commission or county election board shall determine the validity  
 40 of the questioned filing under section 14 of this chapter.

41 ~~(c)~~ **(d)** Following the filing of a question under subsection ~~(b)~~ **(b)(3)**  
 42 and not later than the deadline for resolution of a question concerning

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a petition under section 14 of this chapter, all candidates named in the petition may file a joint written amendment to the petition to alter the name of the political party or to indicate that the candidates are independent.

~~(d)~~ (e) If:

(1) the commission or county election board determines that the party affiliation stated on the petition is described under subsection (b) **and that the affirmation of the voter under subsection (c) is correct;** and

(2) **in the case of a determination under subsection (c)(3),** the candidates do not file an amendment under subsection ~~(c)~~; (d); the commission or board shall deny the filing.

SECTION 14. IC 3-8-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, **IC 3-8-5, IC 3-8-6, or IC 3-10-1** desires to withdraw ~~from the ticket, as the nominee,~~ the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

(1) July 15 before a general or municipal election; ~~or~~

(2) **August 1 before a municipal election in a town subject to IC 3-8-5-10;**

(3) **on the date specified for town convention nominees under IC 3-8-5-14.5;**

(4) **on the date specified for declared write-in candidates under IC 3-8-2-2.7; or**

(5) forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

SECTION 15. IC 3-9-1-12, AS AMENDED BY P.L.126-2002, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

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(c) The commission has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for state office.
- (2) A candidate's committee for legislative office.
- (3) A legislative caucus committee.
- (4) A political action committee that has filed a statement or report with the election division.
- (5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for a local office.
- (2) A candidate's committee for a school board office.
- (3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
- (4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

- (1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

- (2) If the election division or county election board determines: ~~both of the following~~,

**(A) that the committee has not filed any report of expenditures during the previous three (3) calendar years; and**

**(B) there is no evidence that administratively disbanding the committee will result in the unjust enrichment of or the diversion of committee funds to any individual, including a candidate, chairman, treasurer, or other member of the committee;**

the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee.

~~(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.~~

~~(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000); if the~~

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- 1           ~~committee filed a report under this article.~~
- 2           (3) The election division or county election board shall provide
- 3           notice of the proceeding by certified mail to the last known
- 4           address of the chairman and treasurer of the committee.
- 5           (4) The commission or board may issue an order administratively
- 6           dissolving the committee and waiving any outstanding civil
- 7           penalty previously imposed by the commission or board, if the
- 8           commission or board makes the following findings:
- 9                (A) There is no evidence that the committee continues to
- 10              receive contributions, make expenditures, or otherwise
- 11              function as a committee.
- 12              (B) The prudent use of public resources makes further efforts
- 13              to collect any outstanding civil penalty imposed against the
- 14              committee wasteful or unjust.
- 15              (C) According to the best evidence available to the
- 16              commission or board, the dissolution of the committee will not
- 17              impair any contract or impede the collection of a debt or
- 18              judgment by any person.
- 19           (5) The election division shall arrange for the publication in the
- 20           Indiana Register of an order administratively disbanding a
- 21           committee. A county election board shall publish a notice under
- 22           IC 5-3-1 stating that the board has disbanded a committee under
- 23           this subsection. The notice must state the date of the order and the
- 24           name of the committee, but the board is not required to publish
- 25           the text of the order.
- 26           (6) An order issued under this subsection takes effect immediately
- 27           upon its adoption, unless otherwise specified in the order.
- 28           (f) If the chairman or treasurer of a committee wishes to disband the
- 29           committee, the committee must do either of the following:
- 30                (1) Give written notification of the dissolution and transfer a
- 31                surplus of contributions less expenditures to any one (1) or a
- 32                combination of the following:
- 33                   (A) One (1) or more regular party committees.
- 34                   (B) One (1) or more candidate's committees.
- 35                   (C) The election division.
- 36                   (D) An organization exempt from federal income taxation
- 37                   under Section 501 of the Internal Revenue Code.
- 38                   (E) Contributors to the committee, on a pro rata basis.
- 39                (2) Use the surplus in any other manner permitted under
- 40                IC 3-9-3-4.
- 41           (g) Except as provided in subsection (e) concerning the waiver of
- 42           civil penalties, a dissolution or transfer of funds does not relieve the

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committee or the committee's members from civil or criminal liability.

SECTION 16. IC 3-10-1-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform space between each name. At the head of each group where only one (1) candidate for each group is to be voted for, the words "vote for one (1) only" shall be printed. If more than one (1) candidate in a group is to be voted for, the number to be voted for shall be specified at the head of the group.**

**(b) This subsection does not apply to a candidate for a political party office. A candidate's given name and surname as set forth in the candidate's voter registration record shall be printed in full.**

**(c) In addition to the candidate's given name and surname, the candidate may use:**

**(1) initials; or**

**(2) a nickname by which the candidate is commonly known; if the candidate's choice of initials or nickname does not exceed twenty (20) characters. Any nickname used must appear in parentheses between the candidate's given name and the candidate's surname.**

**(d) A candidate may not use a designation such as a title or degree or a nickname that implies a title or degree.**

**(e) A candidate's name must be printed on the ballot exactly as the name appears on the candidate's certificate of nomination, petition of nomination, or declaration of candidacy.**

SECTION 17. IC 3-10-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 15. Each political party holding a primary election shall have a separate ticket, either in printed ballot form as prescribed by sections 13 and ~~14~~ 14.1 of this chapter, or on separate ballot labels. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot under a designation of the office for which the person is a candidate. However, the name of a candidate may not appear on the ballot of more than one (1) party for the same office.**

SECTION 18. IC 3-10-6-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 7.5. (a) Subject to subsection (b), an election may not be held for a municipal office if:**

**(1) there is only one (1) nominee for the office or only one (1)**

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1 **person has filed a declaration of intent to be a write-in**  
 2 **candidate for the office under IC 3-8-2-2.5; and**

3 (2) no person has filed a declaration of intent to be a write-in  
 4 candidate for the office under IC 3-8-2-2.5 **that results in a**  
 5 **contest for election to the same municipal office.**

6 (b) Except as provided in subsection (c), if there is an election for  
 7 any office of the municipality, all nominees for each office must be on  
 8 the ballot.

9 (c) If:

10 (1) there is an election for at least one (1) of a municipality's  
 11 legislative body members;

12 (2) only the voters who reside in a legislative body district are  
 13 eligible to vote in the election for a legislative body member; and

14 (3) there is no election for an office to be voted on by all voters of  
 15 the municipality;

16 the county election board may, by unanimous vote of the entire  
 17 membership of the board, adopt a resolution providing that an election  
 18 will be held only in the legislative body districts within the  
 19 municipality in which voters will elect legislative body members under  
 20 subdivision (2). The names of unopposed candidates for an office to be  
 21 voted on by all voters of the municipality shall not be placed on the  
 22 ballot used for the election of municipal legislative body members  
 23 under this subsection.

24 SECTION 19. IC 3-10-7-4, AS AMENDED BY P.L.66-2003,  
 25 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2004]: Sec. 4. (a) A county election board and a town may  
 27 enter into a written agreement providing that the county election board  
 28 will conduct a municipal **primary or a municipal** election, **or both**,  
 29 in the town.

30 (b) A town that enters into an agreement described in subsection (a)  
 31 shall continue to nominate candidates by convention conducted under  
 32 IC 3-8-5 or by petition filed under IC 3-8-6 unless the town nominates  
 33 candidates in a primary election as provided in IC 3-8-5-2.

34 (c) An agreement may not be entered into after **July + September**  
 35 **21** of a year in which a municipal election is to be held in the town.

36 (d) A county election board that enters into an agreement under this  
 37 section shall conduct the municipal election in the same manner as it  
 38 conducts a general election in a town that has a population of three  
 39 thousand five hundred (3,500) or more.

40 SECTION 20. IC 3-10-7-6 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A municipal  
 42 election conducted under this chapter shall be held at the time

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prescribed by IC 3-10-6.

(b) Subject to subsection (c), an election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office **or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5;** and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 **that results in a contest for election to the same municipal office.**

(c) Except as provided in subsection (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

SECTION 21. IC 3-11-1.5-15, AS AMENDED BY P.L.212-2001, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The order described in section 14 of this chapter must include the following:

(1) A map of each precinct to be established by the proposed order. A county may submit maps required by this subdivision in electronic form.

(2) A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.

(3) An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the ~~circuit court clerk or board of county voter~~ registration office.

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(4) A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted ~~by the commission~~ **under IC 3-11-8.**

(5) Any additional information required by rules adopted by the commission under IC 4-22-2.

SECTION 22. IC 3-11-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The device named and list of nominees shall be placed on the ballots as follows:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election in the first column or row on the left side of all ballots.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state at the last election in the second column or row.

(3) Any other political party in the same order.

(b) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate (or **an independent ticket for President and Vice President of the United States or for governor and lieutenant governor**), the party or independent candidate or ticket shall be placed on the ballot after the parties described in subsection (a). If more than one (1) political party or independent candidate or ticket that has qualified to be on the ballot did not have a candidate for secretary of state in the last election, those parties, candidates, or tickets shall be listed on the ballot in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(c) A column or row for write-in voting shall be placed to the right of all party and independent columns on the ballot.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 23. IC 3-11-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The device of each political party or independent ticket **described in section 6 of this chapter** shall be:

(1) enclosed in a circle not less than three-fourths (3/4) of an inch in diameter; and

(2) placed under the name of the party or independent ticket, as required by section 10 of this chapter.

SECTION 24. IC 3-11-2-10 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name or title of the political party or independent ticket **described in section 6 of this chapter** shall be placed at the top of the ballot. The device of the political party or independent ~~candidate~~ **ticket** shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device, or if the ballot is part of a direct recording electronic voting system:

- (1) the instructions for voting a straight party ticket; and
- (2) the statement concerning presidential electors required under IC 3-10-4-3;

may be posted in any location within the voting booth that permits the voter to easily read the instructions instead of on the ballot face.

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(c) If the ballot contains an independent ticket **described in section 6 of this chapter** and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(e) Except for variations in ballot arrangement permitted for voting machines under IC 3-11-12-7, ballot card voting systems under IC 3-11-13-11, or electronic voting systems under IC 3-11-14-7, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

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(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 25. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters, the county election board adopts an order by the unanimous vote of the entire membership of the board, the county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct. **An order adopted under this section expires December 31 after the date the order was adopted.**

SECTION 26. IC 3-11-8-15, AS AMENDED BY P.L.209-2003, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) **Only the following persons other than are permitted in the polls during an election:**

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders.
- (6) Watchers. ~~and~~
- (7) Voters for the purposes of voting.**
- (8) Minor children accompanying voters as provided under IC 3-11-11-8 and IC 3-11-12-29. ~~and~~**
- ~~(8)~~ **(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.**

~~are not permitted in the polls during an election except for the purpose of voting.~~

**(10) An individual authorized to assist a voter in accordance with IC 3-11-9.**

**(11) A member of a county election board, acting on behalf of the board.**

**(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).**

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that

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the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 27. IC 3-11-10-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) Each county election board shall appoint absentee voter boards.

(b) The absentee voter boards must consist of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board. If a special election is held for a local public question, the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution to provide that the party membership requirement does not apply to absentee voter boards appointed to conduct the special election. A resolution adopted under this subsection may not be repealed and expires the day after the special election.

(c) An otherwise qualified person is eligible to serve on an absentee voter board unless the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election, except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

**(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:**

- (1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and**
- (2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.**

SECTION 28. IC 3-11.5-4-22, AS AMENDED BY P.L.14-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Except as provided in subsection (b),

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each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county.

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

**(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:**

- (1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and**
- (2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.**

SECTION 29. IC 3-12-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state recount commission shall conduct recount proceedings under IC 3-12-11 resulting from:

- (1) a presidential primary election;
- (2) the nomination of a candidate to a federal, state, or legislative

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office in a primary election; or

(3) an election for a federal, state, or legislative office.

(b) The state recount commission shall conduct contest proceedings under IC 3-12-11 resulting from:

(1) a presidential primary election;

(2) the nomination of a candidate to a federal, state, or legislative office in a primary election; or

(3) an election for a **federal, state, or legislative** office. ~~other than governor or lieutenant governor.~~

SECTION 30. IC 3-13-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. In accordance with section 12 of this chapter, if a chief deputy employee does not exist in the office of **clerk or** clerk-treasurer of a city or town, or the chief deputy employee declines or is ineligible to serve, the mayor of the city or the president of the town council shall appoint, as soon as is reasonably possible, a person to assume the duties of the office until the office is filled under this chapter.

SECTION 31. IC 3-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) A person who

~~(1)~~ prints, publishes, or distributes a slate during a primary election campaign without authority from and:

~~(A)~~ **(1)** over the name of an organization of voters, including the name of the organization and its officers; or

~~(B)~~ **(2)** if it is not an organized group of voters, over the names of at least ten (10) voters in the political subdivision in which the primary election is being held;

together with the name of the printer who printed the slate,

~~(2) prints on a slate during a primary election campaign the name or number of a candidate without the candidate's written consent; or~~

~~(3) prints, publishes, or distributes a slate during a primary election campaign unless at least five (5) days before it is printed and published the written consent of the voters over whose names it is published and the written consent of the candidates in whose behalf it is distributed are filed in the office of the county election board in each county where the election is held;~~

commits a Class A misdemeanor.

(b) As used in this section, "slate" means a sample ballot, reproduction of an official ballot, or a listing of candidates:

(1) having the names or numbers of more than one (1) candidate for nomination at a primary election; and

(2) that expresses support for more than one (1) of the candidates

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set forth on the ballot or list.

SECTION 32. IC 3-14-3-16, AS AMENDED BY P.L.66-2003, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) ~~fifty (50) feet of the entrance to the polls;~~ chute; or

(2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot;

commits a Class A misdemeanor.

SECTION 33. IC 6-1.1-19-4.5, AS AMENDED BY P.L.66-2003, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.5. (a) With respect to every appeal petition that is delivered to the tax control board by the department of local government finance under section 4.1 of this chapter and that includes a request for emergency financial relief (except an appeal petition described in section 4.7 of this chapter), the tax control board shall, after having made the study of the appeal petition and related materials that the tax control board considers necessary, make an appropriate recommendation to the department of local government finance. If the appeal petition requests an excessive tax levy under subsection (c), the tax control board shall expedite the board's review as necessary to permit the referendum to be conducted without a special election. In respect of the appeal petition, the tax control board may make to the department of local government finance any of the recommendations described in section 4.4(a) of this chapter, subject to the limitations described in section 4.4(b) of this chapter.

(b) In addition, if the tax control board concludes that the appellant school corporation cannot, in the ensuing calendar year, carry out the public educational duty committed to the appellant school corporation by law if, for the ensuing calendar year, the appellant school corporation does not receive emergency financial relief, the tax control board may recommend to the department of local government finance that the order of the county board of tax adjustment or the county auditor in respect of the budget, tax levy, or tax rate of the appellant school corporation be approved, or disapproved and modified, as

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specified in the tax control board's recommendation and that the appellant school corporation receive emergency financial relief from the state, on terms to be specified by the tax control board in the board's recommendation, in the form of:

(1) a grant or grants from any funds of the state that are available for such a purpose;

(2) a loan or loans from any funds of the state that are available for such a purpose;

(3) permission to the appellant school corporation to borrow funds from a source other than the state or assistance in obtaining the loan;

(4) an advance or advances of funds that will become payable to the appellant school corporation under any law providing for the payment of state funds to school corporations;

(5) permission to the appellant school corporation to:

(A) cancel any unpaid obligation of the appellant school corporation's general fund to the appellant school corporation's cumulative building fund; or

(B) use, for general fund purposes, any unobligated balance in the appellant school corporation's cumulative building fund and the proceeds of any levy made or to be made by the appellant school corporation for the appellant school corporation's cumulative building fund;

(6) permission to use, for general fund purposes, any unobligated balance in any construction fund, including any unobligated proceeds of a sale of the school corporation's general obligation bonds; or

(7) a combination of the emergency financial relief described in subdivisions (1) through (6).

(c) In addition to, or in lieu of, any recommendation that the tax control board may make under this section, the tax control board may recommend that the appellant school corporation be permitted to make a referendum tax levy for the ensuing calendar year under this subsection. The recommendation may not be put into effect until a majority of the individuals who vote in a referendum that is conducted in accordance with the following requirements approves the appellant school corporation's making a referendum tax levy for the ensuing calendar year:

(1) Whenever:

(A) the tax control board recommends to the department of local government finance that the appellant school corporation be permitted to make a referendum tax levy for the ensuing

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calendar year if a majority of the individuals voting in a referendum held in the appellant school corporation approves the appellant school corporation's making a referendum tax levy;

(B) the department of local government finance gives the board's written approval of the recommendation; and

(C) the appellant school corporation requests that the tax control board take the steps necessary to cause a referendum to be conducted;

the tax control board shall proceed in accordance with this subsection.

(2) The question to be submitted to the voters in the referendum must read as follows:

"For the \_\_ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed \_\_\_\_\_ (insert amount) cents (\$0.\_\_) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to the school corporation's normal tax rate?".

The voters in a referendum may not approve a referendum tax levy that is imposed for more than seven (7) years. However, a referendum tax levy may be reimposed or extended under this subsection.

(3) The tax control board shall act under IC 3-10-9-3 to certify the question to be voted on at the referendum to the county election board of each county in which any part of the appellant school corporation lies. Each county clerk shall, upon receiving the question certified by the tax control board, call a meeting of the county election board to make arrangements for the referendum. The referendum shall be held in the next primary or general election in which **all the registered voters who are** residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. However, if the referendum would be held at a primary or general election more than six (6) months after certification by the tax control board, the referendum shall be held at a special election to be conducted not less than ninety (90) days after the question is certified to the circuit court clerk or clerks by the tax control board. The appellant school corporation shall advise each affected county election board of the date on which the appellant school corporation desires that the referendum be held, and, if practicable, the referendum shall be held on the day specified by

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the appellant school corporation. The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum. **If a primary election, general election, or special election is held during the sixty (60) days preceding or following the special election described in this subdivision and is held in an election district that includes some, but not all, of the school corporation, the county election board may also adopt orders to specify when the registration period for the elections cease and resume under IC 3-7-13-10.** Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted upon at the referendum to be published in accordance with IC 5-3-1. If the referendum is not conducted at a primary or general election, the appellant school corporation in which the referendum is to be held shall pay all of the costs of holding the referendum.

(4) Each county election board shall cause the question certified to the circuit court clerk by the tax control board to be placed on the ballot in the form prescribed by IC 3-10-9-4. The county election board shall also cause an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum is to be held.

(5) The individuals entitled to vote in the referendum are all of the registered voters resident in the appellant school corporation.

(6) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the tax control board. Upon receiving the certification of all of the votes cast in the referendum, the tax control board shall promptly certify the result of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the department of local government finance, upon being notified in the manner described in this subsection of the result of the referendum, shall take prompt and appropriate steps to notify the appellant school corporation that the appellant school corporation is authorized to collect, for the calendar year that next follows the calendar year in which the referendum is held, a referendum tax levy not greater than the amount approved in the referendum. The

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1 referendum tax levy may be imposed for the number of calendar  
 2 years approved by the voters following the referendum for the  
 3 school corporation in which the referendum is held. If a majority  
 4 of the individuals who voted in the referendum voted "yes" on the  
 5 referendum question, the school corporation shall establish a  
 6 referendum tax levy fund under IC 21-2-11.6. A school  
 7 corporation's referendum tax levy may not be considered in the  
 8 determination of the school corporation's state tuition support  
 9 under IC 21-3-1.7 or the determination of the school corporation's  
 10 maximum general fund tax levy under this chapter and  
 11 IC 21-3-1.7. If a majority of the persons who voted in the  
 12 referendum did not vote "yes" on the referendum question, the  
 13 appellant school corporation may not make any tax levy for its  
 14 general fund other than a normal tax levy, and another referendum  
 15 under this subsection may not be held for a period of one (1) year  
 16 after the date of the referendum.

17 (d) With respect to any school corporation to which a loan or  
 18 advance of state funds is made under this section, or for which such a  
 19 loan or an advance is recommended, for purposes other than the  
 20 purpose specified in section 4.7 of this chapter, the tax control board  
 21 may recommend to the department of local government finance that the  
 22 school corporation be authorized, for a specified calendar year, and  
 23 solely for the purpose of enabling the school corporation to repay the  
 24 loan or advance, to collect an excessive tax levy. A recommendation  
 25 under this subsection must specify the amount of the recommended  
 26 excessive tax levy. Upon receiving the recommendation from the tax  
 27 control board, and without any other proceeding, the department of  
 28 local government finance may authorize the school corporation, for a  
 29 specified calendar year, to make an excessive tax levy in accordance  
 30 with the recommendation of the tax control board or in accordance with  
 31 a modification of the recommendation that the department of local  
 32 government finance determines is proper. Whenever the department of  
 33 local government finance exercises the power given to the department  
 34 of local government finance under this subsection, the department of  
 35 local government finance shall, in the department's order to the affected  
 36 school corporation, specify the amount of the authorized excessive tax  
 37 levy and take appropriate steps to ensure that so much of the proceeds  
 38 of the excessive tax levy as should be used for loan repayment purposes  
 39 is not used for any other purpose. The department of local government  
 40 finance may not exercise the power described in this subsection to  
 41 authorize any school corporation to collect an excessive tax levy for  
 42 more than one (1) calendar year in any period of four (4) consecutive

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1      calendar years.  
 2      SECTION 34. IC 3-10-1-14 IS REPEALED [EFFECTIVE UPON  
 3      PASSAGE].  
 4      SECTION 35. **An emergency is declared for this act.**

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